

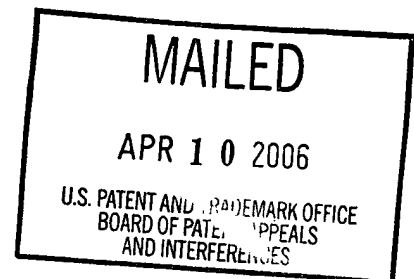
The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRANK C. SMITH, JR.

Application No. 10/701,146



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 30, 2006. A review of the application file contents has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing are identified below:

The Examiner's Answer, mailed December 12, 2005, is deemed non-compliant with the new rules set forth in the ***Manual of Patent Examining Procedure (MPEP)*** § 1207.02. The application reveals that the following content is missing from the Examiner's Answer in the order and with the context stated in the Rules:

Application No. 10/701,146

Section "**(8) Evidence Relied Upon,**" fails to list the relevant references applied in the rejections on appeal.

Correction is required pertaining to the headings and content required in the Examiner's Answer.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- submit a revised Examiner's Answer in accordance with the **MPEP** § 1207.02; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

cc: SUE Z. SHAPER, P.C.
1800 WEST LOOP SOUTH
STE. 1450
HOUSTON, TX 77027

DMS/hh